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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,233	04/18/2001	Mitsuru Yamamoto	Q64100	6441

7590

04/01/2003

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EXAMINER
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HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 04/01/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/836,233

Applicant(s)

Yamamoto et al.

Examiner

Bruce Hess

Group Art Unit

1774

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on

12-23-02 (Election)

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above claim(s) 3, 6, 7, 9-16, 19 and 20 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, 4, 5, 8, 17 and 18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-848

☐ Other \_\_\_\_\_

Office Action Summary

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1. Upon reconsideration, species A1 and A2 are now considered to be a single species.

2. Claims 1, 2, 5, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Tojima et al. (U.S.P. 6,383,621).

Tojima et al. teach a heat transfer sheet comprising a substrate, a light-heat conversion layer which can contain a compound having a phosphate group and an image formation layer (see column 8, lines 35-42). The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results.

3. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Tojima et al. in view of the patent to Mitsuru et al. (JP 11-334230).

Tojima et al. are discussed above. Mitsuru et al. teach that it is conventional in the art of heat transfer sheets having a light-heat conversion layer to employ an image formation layer comprising a pigment and an amorphous organic polymer. Given the generic disclosure of image formation layers by Tojima et al., use of the specific image formation layer of Mitsuru et al. for its concomitant function (e.g., improved sensitivity and reduced fog) on the Tojima et al. heat transfer would have been obvious to one of ordinary skill in this art in the absence of unexpected results.

Applicants' attention is directed to the fact that the prior art fails to teach or suggest a phosphate compound in the light-heat conversion layer of a heat transfer.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce Hess whose telephone number is (703) 308-2402. The examiner can normally be reached on Monday to Friday 9 Am to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7115 for regular communications and (703) 308-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read "Bruce Hess", with a stylized flourish at the end.

B. Hess/mn  
April 1, 2003

BRUCE H. HESS  
PRIMARY EXAMINER